



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2402914
Applicant Name: Jim and Valerie Waltz
Address of Proposal: 4215 East Lee Street

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a 544 square foot two-story addition to an existing single-family residence. Existing detached garage to be demolished.

The following approval is required:

Variance - To allow more than the maximum building lot coverage in a single-family zone. Seattle Municipal Code 23.44.010(C)

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The 4,380 square foot site is located in a Residential, Single Family 7,200 zone (SF 7,200) and lies on the south side of the intersection of East Lee Street and 42nd Avenue East. The subject lot has 73 feet of street frontage and is 60 feet in depth.

There are two existing structures: a single-family residence with a deck and a detached single car garage. The lot is non-conforming for size in this zone, as are many lots in the neighborhood. The garage would be demolished as a part of this proposal.

Vicinity

The surrounding neighborhood contains a mixture of housing styles, ages and sizes. Although zoned as SF 7200, there is also a wide variety in lot sizes. On the same block face as the subject site, the surrounding lots range in size from 1,620 square feet to 31,285 square feet. Lake Washington is to the east and accessible from the end of East Lee Street.

Proposal Description

The applicant has requested a variance from the maximum lot coverage provisions of SMC 23.44.010.C. The existing lot coverage is approximately 1,863 sf (not including deck). The house is approximately 1,680 square feet in ground floor area. The detached garage is approximately 183 square feet in area. The square footage of the attached deck, which is greater than 18 inches above grade, is not known. The house contains 2 bedrooms, a bath, T.V. room, office, dining room, living room and kitchen. The combined area is approximately 42 percent lot coverage (without deck). The applicant proposes to remove the garage and add a 544 square foot two-story addition to the house's east side and partially in the location of the existing garage. The addition will contain 3 bedrooms, two baths, and associated spaces. This configuration is proposed as the applicant states that the existing house structure, with only a post and pier foundation, can not have a second story added to it.

Seattle Municipal Code (SMC) 23.44.010(C) allows maximum lot coverage in all single-family zones to be either 35 percent of the lot area or 1,750 square feet, whichever is greater. This provision allows for a minimum of 1,750 square feet of lot coverage regardless of lot size or single family zone. Following the garage removal and house addition the applicants would have approximately 2,585 square feet of lot coverage, not including the deck (1,680 house + 452.5 addition [544 square feet of new addition – 91.5 square feet of new addition that will coincide with the area of the existing house] = 2,585 square feet).

Public Comments

The 14-day public comment period ended on June 23, 2004. Nine written comment letters were submitted. Letters in support of this request noted that other lots in the area have greater than 35 percent lot coverage and that the granting of this variance could help preserve a well preserved and aesthetically pleasing older house that may otherwise be demolished in order to build a larger one. Letters opposed to this request noted that this is a neighborhood with many small non-conforming lots and the granting of this variance would obligate the City to allow variances for many other likely requests.

ANALYSIS - VARIANCE

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The applicant states that the unusual conditions of their property are the physical condition of their house and the small lot size. They wrote, “Our current cottage home is pier and post and adding a second story to the existing structure would have a deep, negative impact on the existing structure” and that the only likely alternative for creating a larger house is to demolish the house and build a new structure. Regarding lot size, the applicants state that the lot is “smaller than it looks because the City owns half of our front yard”, referring to the approximately 11 foot distance between the sidewalk and their property line. This area is currently fenced in and is functionally part of their actual front yard.

The City finds that the above cited conditions do not constitute unusual conditions.

Pier and post foundation construction is not unusual for houses built at the beginning of the 1900’s. To add additional stories on such a house, or to simply level and stabilize the structure, continuous footing foundations are regularly added. Consultation with Ordinance and Structural reviewers in the City has confirmed this.

The applicant has provided information on their family web site indicating extensive interior improvements to their house done by the Waltz’s. According to the applicants and a conversation with a builder associated with the applicant, there would be disruptions to both the surrounding yard and garden and the interior spaces of the house to doing the required work in preparation for second story construction. Additionally, the applicants noted that the work would also impact their expanding family of young children. However, neither of these factors are unusual conditions that deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity. With any project of this nature, there are disruptions and impacts on the surrounding yard for excavation and placement of jacking cribs, construction of foundation forms and the interior demolition for placement of load bearing posts and beams. All families living in homes undergoing renovation are impacted to various degrees. Undertaking interior improvements and remodeling prior to assessing the need for structural upgrades in the same area are conditions created by the owner and applicant.

The lot size of the Waltz property is not an unusual condition. The lot area is 4,380 square feet and measures 60 feet deep and 73 feet wide. It is essentially flat. The existing house is roughly centered on the lot with approximately 17 feet to the west side property line (not including deck), 13 to 20 feet to the east property line, 6 feet to the rear property line and 7 feet to the front property line from the front porch. The existing house and garage comprise approximately 1,863 square feet of area (1,680 sf house + 183 sf garage), which is approximately 42 percent lot coverage (not including deck). Like many lots in the neighborhood it is undersized for the current zoning designation of Single Family 7200 (SF 7200). The neighborhood lot sizes range from 1,620 square feet to 31,285 square feet.

The Seattle Land Use Code allows lot coverage of 35 percent in all residential single-family zones. Because of the numerous undersized lots throughout the City, the Code also allows lot coverage of more than 35 percent up to a limit of 1,750 sf. The Waltz property, at 4,380 square feet, would be allowed 1,533 sf of coverage under the 35 percent rule; they currently enjoy 42 percent lot coverage with approximately 1,863 sf of lot coverage (not including deck). Additionally, the site enjoys greater than normal lot coverage due to the non-conforming (undersized) rear yard and a minimal front yard.

The variance application stated that a neighbor currently enjoys 60 percent lot coverage, for which he was granted a variance (4201 East Lee Street). That actual lot coverage is approximately 50 percent. A variance was granted for building into the required yards, not lot coverage (It has a 790 sf house on a 1,620 sf lot). This property and many others in the neighborhood exceed the 35 percent lot coverage limitation (there is a range of 39 to 50 percent). However, all lots in this group are under the 1,750 sf limitation.

The above findings on the allowed lot coverage for the subject property and properties in the vicinity and zone, along with the current lot coverage for the subject site that exceeds the 1,750 sf provision, indicate that the applicant already enjoys rights and privileges beyond those enjoyed by other properties in the same zone and vicinity. This property and structure therefore do not constitute unusual conditions.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The variance request to further exceed the allowed lot coverage for this lot would constitute a grant of special privilege. The first floor area of the existing house, including porch, but not including deck, is approximately 1,660 sf and consists of the room spaces outlined in *Proposal Description* above. The Waltz property currently enjoys the application of the 1,750 provision to exceed the normally allowed 35 percent lot coverage, and exceeds it by 113 sf (not including deck). Many of the neighborhood lots under the minimum lot size for this zone (7,200 sf) also exceed the 35 percent allowed coverage; none of them exceed the 1,750 sf provision.

The applicants have submitted extensively developed plans for the proposed addition. The addition does require the removal of the detached garage, which reduces the lot coverage to 1,680 square feet (not including deck). However, no mention was made of expanding their house to the 1,750 limit on the ground and creating a partial second story to achieve the remaining area.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

Allowing additional lot coverage beyond the amount already exceeding the lot coverage provisions of the zone will be materially detrimental to the public welfare. A purpose of the yard requirements in single family zones is the provision of light, air, and visual access. Allowing lots to exceed the lot coverage required of other lots in the vicinity, absent unusual conditions as required by Criterion 1 above, would cumulatively have an adverse and detrimental impact on the vicinity and zone. The proposed addition to be located on level ground, entirely within the property boundaries, and approximately 55 feet from the nearest adjacent structure would likely not cause injury to property or improvements in the zone.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

The literal interpretation and strict application of the Land Use Code, while possibly causing difficulties for the applicants, would cause neither undue hardship nor practical difficulties. As stated in Criterion 1 above, the applicant and applicant's builder have stated that the impact, inconvenience and cost of the structural remediation would cause an undo hardship.

Additionally, in response to this criterion the applicant states that without this addition "there would not be enough bedrooms for our children". The City acknowledges the above difficulties. These difficulties are, however, a part of what is involved with expanding an already non-conforming structure to the needs of the current occupants. For all occupied residences, retrofitting of foundations and structural supports, as well as the construction of a second story addition, will cause inconveniences, difficulties, and varying levels of cost. That is, unfortunately, a universal, not unique, condition of structure renovation. The City, therefore, cannot grant variances from the Land Use Code for these common, although inconvenient, difficulties.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

The requested variance would be inconsistent with the spirit and purpose of the Land Use Code and should not be granted. In single family residential zones, the Land Use Code envisions predominantly detached single family structures on lot sizes compatible with not only the existing pattern of development but also the character of single family neighborhoods (See SMC 23.34.011(A)). An important element of the character of single family neighborhoods are limitations on allowed lot coverage. A purpose of the lot coverage requirements in single family zones is the provision of light, air, and visual access. The applicants currently receive the benefit of lot coverage over the 35 percent and 1,750 limitations. To allow further lot coverage absent meeting the requirements of the above criteria would be inconsistent with the spirit and purpose of the Land Use Code.

DECISION - VARIANCE

A variance to allow more than the maximum required lot coverage in a SF 7200 zone per SMC 23.44.010(C) is **DENIED**.

Signature: (signature on file) Date: August 23, 2004
Art Pederson, Land Use Planner
Department of Planning and Development
Land Use Services